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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/678,791

10/03/2003

Patrick Segur

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IP GROUP OF DLA PIPER RUDNICK GRAY CARY US LLP
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EXAMINER

SMITH, RICHARD A

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,791

Applicant(s)

SEGUR, PATRICK

Examiner

R. Alexander Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 2-13, 15, 17, 19, 20 and 22 is/are allowed.
6) ☒ Claim(s) 1, 14, 16, 18 and 21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 13 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is finally rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5,445,524 to Jones.

Jones discloses a system for localizing an area in space in relation to a predetermined point on a surface, wherein the surface is divided into nine zones of first rank obtained by dividing the surface into three parts in two different directions, a predetermined respective number from 1 to 9 is attributed to each of the zones of first rank, each zone of rank n , n being an integer number successively equal to from 1 to m , is divided in a same manner into nine zones of higher rank $n+1$ (when the starting zone is a middle zone, for example M4 of figure 1), a predetermined respective number from 1 to 9 being attributed to each of the zones of rank $n+1$ in the zone of rank n , and a zone of rank n is localized by a zone reference sequence having n digits containing the number of said zone, and the respective numbers of all of the zones of lower rank $n-1$ to 1, in which said zone is located, said system comprising means for determining the zone reference sequence of a zone of rank n in which is located an area to be localized in the surface,

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n being the maximum value such that the surface of the area to be localized is included in said zone of rank n.

Furthermore, Jones discloses that the system be may easily computerized to serve in storing and retrieval of a particular map of a section of a geographical region (column 10, lines 5-36) and is used to help locate a specific location; that the system can be used for emergency situations involving a dispatcher, 911 calls and emergency crews (column 1, lines 24-54 and column 3, lines 6-17); and that a computerized 911 system can automatically display the alphanumeric character set and/or street address from which the call was made and that the dispatcher can relay the zone reference sequence to the emergency crew who uses the zone reference sequence to find the person requesting help. This appears to meet the limitation of means for manipulating said zone reference sequence.

Manipulate is defined as 1: to treat or operate with or as if with the hands or by mechanical means especially in a skillful manner; 2 a: to manage or utilize skillfully, b: to control or play upon by artful, unfair, or insidious means especially to one's own advantage; 3: to change by artful or unfair means so as to serve one's purpose. This definition is provided by the Merriam Webster's 11th Collegiate Dictionary.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 14 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of U.S. 5,030,117 to Delorme.

Jones teaches all that is claimed as discussed in the above rejections of claim 1 except for a tool designed to be pointed at a point and means for pointing the tool in a zone determined by said position referencing sequence.

Delorme discloses a tool to be pointed (a computer mouse and keyboard with cursor control, column 8, lines 58-64) and means for pointing the tool (either the user with his hands, the monitor on which said cursor is shown, or the computer itself) and wherein the zones are localized in a digital image constituted by pixels (via Delorme's discussion with respect to variable resolution of the monitor display as illustrated in figures 3A-3F and as discussed in column 8, lines 48-57 and the discussion of resolution, dot coordinates, and dot vectors throughout the specification) and cutting the image into zones into the size and number of pixels (as illustrated in figures 8 through 19 with the associated text). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system which is easily adapted to computer, taught by Jones, to include a tool, as taught by Delorme, in order to allow the user to quickly and easily move from crude resolution, e.g. figure 3A, to fine resolution, e.g., figure 3F, and back again to view a different location at varying resolutions.

5. Claim 16 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of U.S. 3,599,350 to Moskowitz.

Jones teaches all that is claimed as discussed in the above rejections of claim 1 except for a calculator adapted to the conversion of numbers of base 10 to base 9 and vice versa.

Moskowitz discloses a calculator that converts base 2 through 9 to its decimal equivalent (column 1, lines 46-51) in order to help a user understand digital computation and to provide decimal numbers which are instantly recognized and read on paper or in the head (column 1, lines 23-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system, taught by Jones, by providing a base 9 conversion to decimal data, as taught by Moskowitz, in order to provide data which is easily understood by the average person and to help a user perform conversions between different map systems.

6. Claim 18 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of U.S. 6,701,307 to Himmelstein et al.

Jones teaches all that is claimed as discussed in the above rejections of claim 1 except for means for a computer program stored on a medium which encloses in a surface an area of a plane or space.

Himmelstein et al. discloses a means employing computers for coding in a surface an area of a plane or space (figures 2 and 3 and the associated text) in order to geocode maps for web based searching. Furthermore, Himmelstein et al. discloses that the tiling space method is not

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restricted to base 2 interleaving but can use coordinates as base 3 numbers to generate base 9 keys (column 9, lines 7-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify, the device, taught by Jones, to include a computer program stored on a medium with code which encloses a surface an area of a plane or space, as taught by Himmelstein et al., in order to geocode maps for web based searching.

7. Claim 21 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of U.S. 5,479,482 to Grimes.

Jones teaches all that is claimed as discussed in the above rejections of claim 1 except for means for transmitting, receiving and displaying the zone reference sequence.

Grimes discloses a system (abstract) wherein the person needing help is found via GPS, the GPS transmitted signal is received and converted into location information for transmission, receiving and display to the emergency crew (PSAP). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the automatically displaying and then relaying the information, taught by Jones, to include transmitting, receiving and displaying, as suggested by Grimes, in order to relay the location information faster to the emergency crew and to prevent the dispatcher from possibly relaying wrong information about the location.

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8. Claim 21 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of U.S. 5,976,337 to Brewster et al.

Jones teaches all that is claimed as discussed in the above rejections of claim 1 except for means for transmitting, receiving and displaying the zone reference sequence.

Brewster et al. discloses a method wherein the person needing help is found via a location determination system, and that this information is displayed by the EAS operator for dispatching the nearest EAS responder capable of dealing with the emergency and that the EAS operator monitors the process. Furthermore Brewster et al. discloses that optionally, the electronic map 16 and/or these displays can be patched through for use by the responders (column 7, lines 43-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the automatically displaying and then relaying the information, taught by Jones, to include transmitting, receiving and displaying, as suggested by Grimes, in order to relay the location information faster to the emergency crew and to prevent the dispatcher from possibly relaying wrong information about the location.

Response to Arguments

9. Applicant's arguments filed December 13, 2004 have been fully considered but they are not persuasive.

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With respect to Jones, Jones in view of Delorme, and Jones in view of Moskowitz and means for manipulating being transmitting, receiving, displaying, GPS, machine tools, medical instruments, etc.: In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., as noted above) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to claim 16 and Jones in view of Moskowitz and no suggestion to combine, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

With respect to claim 16 and Jones in view of Moskowitz and nonanalogous art: In response to applicant's argument that Moskowitz is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In this case, the knowledge would be available to one of ordinary skill in the art since the average person would have math problems when the numbering system is in any other base other

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than base 10. For example using Jackson county in column 9, if a government official did a quick survey for flood damage and needed to inspect houses, sewer systems, bridges, etc. from sector J3267584 through sector J3267644 inclusive, and needed one inspector per sector to get the job finished in a timely fashion, how many sectors are involved in this inspection?

Allowable Subject Matter

10. Claims 2-13, 15, 17, 19, 20 and 22 are allowable.

11. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related systems.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251. The examiner can normally be reached on Monday through Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Alexander Smith
Patent Examiner
Technology Center 2800

RAS
March 14, 2005